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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,401	10/16/2003	Naomi L. Nakao	G30-011	8611

7590 12/06/2004

R. Neil Sudol  
714 Colorado Avenue  
Bridgeport, CT 06605-1601

EXAMINER
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FLANAGAN, BEVERLY MEINDL

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

43

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,401	<b>Applicant(s)</b> NAKAO, NAOMI L.	
	<b>Examiner</b> Beverly M. Flanagan	<b>Art Unit</b> 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Beverly M. Flanagan*  
**BEVERLY M. FLANAGAN**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-15 and 17-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsui et al. (U.S. Patent No. 6,352,503).

**In regard to claims 1-7, 11-15, 30 and 31**, Matsui et al. teach an endoscope 1 having a distal end split longitudinally into two treating tool guide tubes 2 having channels 23 for passing tools therethrough (see Figures 1 and 2). Endoscope 1 includes a flexible insertion section 7 having both an illumination optical system and an observation optical system (see col. 5, lines 18-30). Figure 1 shows that the endoscope 1 is cylindrical and centrally disposed with respect to the guide tubes 2 and that guide tubes 2 are annular sections in cross section and surround the endoscope 1. An outer tube unit 5 serves as an introduction guide unit for the endoscope 1 and guide tubes 2 thereby temporally and releasably binding the guide tubes 2 and endoscope 1 to one another in a substantially tubular configuration (see Figure 1 and col. 5, lines 1-12). **In regard to claims 9, 10 and 17-20**, Figure 2 shows that the endoscope 1 and guide tubes 2 are operatively connected to respective operation sections (8 and 22) disposed at a proximal end of their insertion members. The operation section 8 of the endoscope 1 includes an angle knob 16 for independently operating the bending section

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11 of the endoscope 1 (see col. 5, lines 25-30) while the operation sections 22 of the guide tubes 2 include angle knobs 30 for independently bending the bending sections 29 of the guide tubes 2 (see col. 5, lines 64-67 and col. 6, lines 1-12). Figure 2 also shows that the outer tube unit 5 divides into three tubes 35, 36 and 37 and shows a point where the tubes are permanently bound to one another. **In regard to claims 21-29**, see Figures 8-21 and cols. 8-15 of Matsui et al.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui et al. (U.S. Patent No. 6,352,503) in view of Adair (U.S. Patent No. 5,630,782).

**In regard to claims 8 and 16**, Matsui et al. are silent as to the guide tubes 2 having a plurality of longitudinally extending channels (Matsui et al. disclose one channel 23). However, Adair discloses a similar endoscope with a separable channel section S having a plurality of channels 22, 24 and 26 for different functions (see Figure 2 and col. 5, lines 10-35). Adair thus demonstrates that providing a guide tube for use with an endoscope where the guide tube has a plurality of channels is well known in the art, where the ability to equip the endoscope with different functions is desired.

Accordingly, it would have been obvious for one of ordinary skill in the art at the time the

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invention was made to provide the guide tubes 2 of Matsui et al. with a plurality of channels 23, in the manner disclosed by Adair, in the interest of equipping the guide tube 2 with a plurality of functions.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should note the following examples of branched or split endoscopes: Harkrider, Jr., U.S. Patent No. 6,328,730; Adams, et al., U.S. Patent No. 6,179,776 and Yoon, U.S. Patent No. 6,066,090.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beverly M. Flanagan whose telephone number is (571) 272-4766. The examiner can normally be reached on Mondays, Wednesdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Beverly M. Flanagan  
Primary Examiner  
Art Unit 3739

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